

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
EASTERN/DUBUQUE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARIO CUM-XICAY, a/k/a J. DOE  
116, a/k/a MARIO CUM-XICAY,  
Defendant.

No. CR

88-1116

ORDER ACCEPTING MAGISTRATE  
JUDGE'S REPORT AND  
RECOMMENDATION  
CONCERNING DEFENDANT'S  
GUILTY PLEA

The defendant has signed a written Waiver of Indictment and consented to be prosecuted by Information. The defendant has appeared before a United States Magistrate Judge and entered a plea of guilty to the Information. The Magistrate Judge has filed a Report and Recommendation, in which he recommends that the defendant's guilty plea be accepted. The defendant has signed a Waiver of Time to Object to Report and Recommendation and consents to acceptance of the guilty plea by a district court judge. The court, therefore, undertakes the necessary review of the Magistrate Judge's recommendation to accept defendant's plea in this case.

The appropriate standard of review is set forth in 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b). In this case, the defendant has waived time to object and has consented to acceptance of the guilty plea by the district court judge. Therefore, the court accepts the Magistrate Judge's Report and Recommendation and accepts the defendant's plea of guilty to the Information.

IT IS SO ORDERED.

DATED this 19 day of May, 2008.

  
DISTRICT JUDGE  
UNITED STATES DISTRICT COURT